

MINUTES OF COUNCIL MEETING
JUNE 26, 2008
6:30 P.M.

The Murray City Council met in regular session on Thursday, June 26, 2008, at 6:30 p.m. in the Council Chambers of City Hall, with Mayor Rushing presiding.

Council Members Present: Danny Hudspeth, Dan Miller, Pat Scott, Jeremy Bell, Butch Seargent, Linda Cherry, Pete Lancaster, Jason Pittman, Robert Billington, Jane Brandon, Butch Seargent, and Bill Wells.

Council Members Absent: David Ramey.

Staff Present: Ken Claud, J. L. Barnett, David Roberts, Ron Allbritten, Don Rogers, Dennis Thompson, Philip Morris, Carol Roberts, Cathy Morris, Candace Dowdy, Michael Skinner, Matt Mattingly, Gail Mullins, Harla McClure, and Warren Hopkins.

Minutes of the council meeting held June 12, 2008, were presented for approval. **Mr. Scott moved, seconded by Mr. Wells**, to approve the minutes as written. With no discussion, Mayor Rushing called for a voice vote, which was unanimous in favor of the motion.

Lindsey Geib, Director for the Tourism Commission, presented the budget for the Fiscal Year 2008-2009. **Dr. Miller moved, seconded by Mr. Billington**, to approve said budget. Ms. Geib stated there were new events this year in the community. With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Jeremy Bell, Jane Brandon, Danny Hudspeth, Dan Miller, Pat Scott, Butch Seargent, Linda Cherry, Pete Lancaster, Jason Pittman, Robert Billington, and Bill Wells.

NAYES: None.

Mayor Rushing declared the Tourism Budget for the Fiscal Year 2008-2009 adopted by the council and recorded in Finance Book 3, Page ____.

Mayor Rushing recognized Danny Hudspeth, Chairman of the Public Safety Committee, and requested that he provide a report. Mr. Hudspeth stated the committee met to discuss bids for UHF radios for the police department. We received a grant from Homeland Security in the amount of \$90,960 to fund this purchase. We received the following 2 bids:

COMPANY	BID AMOUNT
Jennings Communications	\$80,902
Jackson Purchase 2-Way Radio, Inc	\$75,073.23 (if ordered by June 30, 2008)

Mr. Hudspeth moved, as unanimously recommended by the Public Safety Committee, to accept the bid of Jackson Purchase 2-Way Radio, Inc. in the amount of \$75,073.23. **Mr.**

Pittman seconded the motion. With no further discussion, Mayor Rushing called for the roll call vote which was unanimous in favor of the motion.

Mayor Rushing requested that Warren Hopkins, City Attorney, provide information to the council on what options they have when changes are recommended from the Planning Commission.

Ordinance Number 2008-1465 (second reading) said ordinance was presented to the council for adoption regarding rezoning a 10.9352 acre portion of land located at 1414 North 12th Street from R-3A (multi-family residential) to B-2 (highway business) based on the following findings of fact: 1) the property is contiguous to B-2 zoning to the north and west; 2) the rezoning of this portion of land would give a more appropriate depth for commercial development by extending the B-2 zoning back another 321 feet to the east; 3) the majority of commercial development is taking place on the north end of the city such as the Heritage Bank, Holiday Inn Express, and Automated Direct Mail; and 4) recent rezoning of property adjacent to and north of this property from R-2 to B-2. Said property is owned by Robert and Betty Keathley. The commission approved the rezoning by a vote of 8 to 1. **Mr. Billington moved, seconded by Mr. Lancaster** to adopt said ordinance. Dr. Miller questioned why we do not question what is going to be done with a piece of property when it is rezoned. He stated that the Louisville paper prints what is going to be done with a property that is going to be rezoned. Mr. Hopkins stated that asking that would be opening the door for an arbitrary and capricious argument that was something was being voted upon with prejudice and that is why we try to stay away from that. David Roberts, Director of Planning and Engineering stated that KRS allows for it to be in our zoning ordinance that a development plan can be required and that change would have to be adopted.

With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Dan Miller, Jane Brandon, Robert Billington, Pete Lancaster, Jeremy Bell, Jason Pittman, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: None.

Mayor Rushing declared said ordinance adopted on a second reading and recorded in Ordinance Book Number 7, Page _____.

Recommendation from the Murray Planning Commission to adopt the revisions to the Goals and Objectives Section of the Comprehensive Plan was presented to the council for approval. **Mr. Seargent moved, seconded by Mr. Scott** to approve said changes to the Comprehensive Plan. Mr. Roberts stated they changed the format somewhat. He stated that in the past it was in a matrix format and it has been changed to a narrative format now which makes it easier to read. Kentucky Revised Statutes Chapter 100 requires a Comprehensive Plan and the Planning Commission shall prepare the Plan to serve as a guide for public and private actions, decisions to ensure the development of public and private property in the most appropriate

relationships. The elements are required to be reviewed every five years (see attached).

With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Dan Miller, Jane Brandon, Robert Billington, Pete Lancaster, Jeremy Bell, Jason Pittman, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: None.

Mayor Rushing declared said changes to the Comprehensive Plan adopted.

Recommendation from the Murray Planning Commission denying the rezoning request from Martin and Lisa Yancey was presented to the council. Said property is located at 1108 Main Street. The Planning Commission denied said rezoning based on the following findings: 1) there have been no major changes within the area since the adopted Comprehensive Plan; and 2) the proposed zoning is not consistent with the Comprehensive Plan. Said rezoning was denied by a vote of 5-3 and said property is recommended to remain zoned R-2 (single family residential). **Mr. Pittman moved, seconded by Mr. Lancaster** to accept the recommendation of the Planning Commission denying the rezoning of 1108 Main Street. Mr. Billington stated he would like to see that property rezoned and let the property owner do what they want with it; however, he understands we cannot ensure that the home would not be torn down. Candace Dowdy, City Planner, stated that the Planning Commission took into consideration the fact that there had not been changes to the area since the adoption of the Comprehensive Plan. This request was brought before the Commission in January 2008 and it was denied at that time also. She stated the Yancey's applied for rezoning again because they believed they had additional information. The land use for that particular area is still identified as low density residential.

Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Dan Miller, Jane Brandon, Robert Billington, Pete Lancaster, Jeremy Bell, Jason Pittman, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: None.

Mayor Rushing declared said recommendation approved.

Recommendation from the Murray Planning Commission was presented to the council authorizing the city attorney to draft an ordinance to rezone a 3.198 acre portion of land located at 621 and 623 North 4th Street from R-2 (single family residential) to B-2 (highway business) based on the following findings: 1) the property is currently split zoned making the residential part of the property landlocked; 2) the existing zoning is inappropriate and the proposed zoning is more appropriate; 3) the front part of this property has been zoned for commercial use since approximately 1974. Said property is owned by Dan and JoAnne Roberts as co-executors of the Heloise Roberts Estate. The Planning Commission approved said recommendation by a vote of

9-0. **Mr. Billington moved, seconded by Dr. Miller** to approve said recommendation. With no discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Dan Miller, Jane Brandon, Robert Billington, Pete Lancaster, Jeremy Bell, Jason Pittman, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: None.

Mayor Rushing declared said recommendation approved.

Recommendation from the Murray Planning Commission was presented to the council authorizing the city attorney to draft an ordinance rezoning property located at 111 Poplar Street from Industrial to B-3 (central business) based on the following findings: 1) the property has not been used for industrial purposes for several years due to the size and location of the building; 2) most industrial uses are locating to the north side of the city in the current Industrial Park on Max Hurt Drive; 3) the EDC is proposing a new Industrial Park to be located on Highway 641 North; 4) the renovation of this historic building will raise opportunities for new residential/commercial development in the downtown area; and 5) the property is contiguous to the B-3 zoning district to the northwest. Said property is owned by Larry Herndon. The Planning Commission approved said recommendation by a vote of 9-0. **Mr. Bell moved, seconded by Mr. Pittman** to approve said recommendation. With no discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Dan Miller, Jane Brandon, Robert Billington, Pete Lancaster, Jeremy Bell, Jason Pittman, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: None.

Mayor Rushing declared said recommendation approved.

Recommendation from the Murray Planning Commission was presented to the council authorizing the city attorney to draft an ordinance amending §156.064, Findings Necessary for Map Amendment. **Mr. Lancaster moved, seconded by Mr. Hudspeth** to approve said recommendation. Ms. Dowdy stated this change is requested to mirror KRS. With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Dan Miller, Jane Brandon, Robert Billington, Pete Lancaster, Jeremy Bell, Jason Pittman, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: None.

Mayor Rushing declared said recommendation approved.

Resolution Number 2008-009 authorizing the Mayor to execute any and all necessary documents for a grant application with the Kentucky Office of Homeland Security for UHF

portable radios for the police department. **Mr. Pittman moved, seconded by Mr. Billington** to approve said Resolution. With no discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Dan Miller, Jane Brandon, Robert Billington, Pete Lancaster, Jeremy Bell, Jason Pittman, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: None.

Mayor Rushing declared said resolution approved.

Resolution Number 2008-010 a resolution accepting the Operating and Management Plan for the Community Facility Building located on Bee Creek Drive and houses the American Legion Post #73. **Mr. Billington moved, seconded by Mr. Hudspeth** to approve said resolution. Mr. Mattingly stated that the American Legion had applied for a grant with the US Department of Agriculture in the amount of \$30,000 in order to pave the parking lot. With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Dan Miller, Jane Brandon, Robert Billington, Pete Lancaster, Jeremy Bell, Jason Pittman, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: None.

Mayor Rushing declared said resolution approved.

With no further business to come before the council, the meeting adjourned at 7:55 p.m.

H. Thomas Rushing, Mayor

Attest:

Harla McClure, City Clerk